REMARKS

Responsive to the Office Action mailed October 8, 2003, applicants submit the present amendments and remarks. Claim 5 has been amended to include the limitation of claims 6 and 7 which have been cancelled. Claims 13-18 have also been cancelled. Based on the amendments and remarks, applicants respectfully request reconsideration and allowance of the remaining claims.

Rejections under 35 USC § 103

Claims 5-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over St. John. Applicants respectfully traverse the rejection as follows.

St. John discloses two different arrangements of bristles for a golf tee in Figures 1 and 2. In Figure 1, the bristles 16 are splayed. It is not clear from the description or from Figure 1 whether or not the bristles 16 form an annular support surface for a golf ball. In any event, the splayed bristles means that a player can never be sure that a golf ball is always sitting at the same height, after it is placed on the tee. Another problem with the splayed bristles is that if the ball is hit with an iron, the bristles can be caught between the ball and the iron when the ball is hit and this will take away any spin that may be put on the ball by the iron. A further problem is that this could cause the tee to be pulled out of the ground and follow the ball when the ball is hit.

The Examiner is correct that Figure 2 of St. John shows a golf tee with a plurality of bristles 26c and 26b that are in a vertical orientation when supporting a golf ball 27. Figure 2 is an axial sectional view of a golf tee and it is clear from Figure 2 that the bristles do not form an annular support surface. This is also evidence by Figure 3 which is a plan view of Figure 2 and which shows the bristles 26a, 26b and 26c arranged randomly, and they do not form an annular support surface.

It is clear that the arrangement of bristles shown in Figure 3 will provide greater resistance to a golf club passing through the bristles than an annular arrangement as claimed in claim 5 of the present application, as a golf club would have to pass through more bristles in the case of the arrangement show in Figure 3.

It would appear that the length of the bristles 26b and 26c extending from the base 23 of the tee shown in Figure 2 of St. John have a length of approximately 40mm. If the height of the bristles in Figure 2 are taken at 40mm, the width of the bristles and thus the diameter of the spherical support provided by the bristles ins approximately 12mm. This is smaller than the overall outside diameter of the annular support surface of the golf tee according to the invention (approximately 15mm or 7.55 radius) and the bristles will not support the golf ball properly, especially under windy conditions on a golf course.

St. John does not specifically state that the golf tee as shown in Figure 2 should have bristles arranged to provide an annular support surface. Even if the bristles of the golf tee shown in Figure 2 were to be arranged to provide an annular support surface, St. John does not mention any disadvantage caused by splaying of the bristles. In fact, one would not expect a disadvantage because St. John suggests splaying of the bristles, as shown in the golf tee of Figure 1.

The inventor of the present invention identified the problems with the splaying of the bristles and has overcome this problem by providing the golf tee as claimed in claim 5. In particular, the inventor has provided the optimum annular surface having an outside diameter of 15mm (7.5mm + 7.5mm) and an inside diameter of 10mm (5mm + 5mm) which provides bristles in a configuration that ensures minimum resistance to a golf club passing through the bristles but still provides:

1) sufficient surface area to support a golf ball so that it is not blown off the golf tee during windy conditions, and
2) which ensures that the bristles remain in a vertical orientation and that there is no splaying of the bristles when supporting a golf ball.

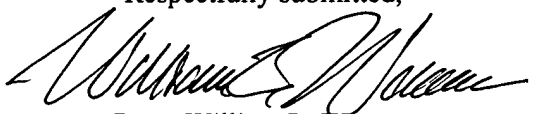
The Examiner's comments that the recitation of "vertical orientation" is not seen as precluding splaying of the bristles, or that the splayed bristles of the prior art can be seen as "extending in a vertical orientation" are obviated by the definitions given to the terms as used in the present claims in view of the specification and drawings in addition to the affirmative statements made in the file history. By the phrase "the bristles...remain in a vertical orientation when supporting the golf ball" as in claim 5 of the present application, the bristles are meant to be limited to extending vertically in a straight path

throughout their entire length when supporting the golf ball, as shown in Figure 1. The prior art bending or splaying of the bristles, which is not extending in a vertical orientation, has clearly been distinguished for the record. Therefore, applicants request that the rejection be withdrawn and claims 5, 8 and 12 be allowed.

The foregoing is submitted as a full and complete response to the Office Action mailed October 8, 2003. No additional fees are believed to be due, however, the Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to deposit account no. 19-5029.

If there are any issues that can be resolved by a telephone conference or an Examiner's amendment, the Examiner is invited to call the undersigned attorney at (404) 853-8081.

Respectfully submitted,



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